

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
H.L.C. 04/02/03 Item 3.b.

File Number  
HP02-018

Application Type  
Historic Preservation Permit

Council District  
3 SNI  
13<sup>th</sup> Street

Planning Area  
Central

Assessor's Parcel Number(s)  
249-46-020

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Lee Butler

Location: east side of North 3rd Street approximately 500 feet southeasterly of Hensley Street (390/392 N 3<sup>rd</sup> St.)

Gross Acreage: 0.13 Net Acreage: 0.13 Net Density: 15.4 DU/AC

Existing Zoning: LI Light Industrial Existing Use: Unpermitted Triplex

Proposed Zoning: No change Proposed Use: Duplex

### GENERAL PLAN

Completed by: FLB

Land Use/Transportation Diagram Designation  
Medium Density Residential (8-16 DU/AC)

Project Conformance:  
☒ Yes ☐ No  
☐ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: FLB

North: Detached Single-family Residential

R-M Residential

East: Commercial/Industrial

LI Light Industrial

South: Attached Multi-family Residential

LI Light Industrial

West: Attached Multi-family Residential

A(PD) Planned Development

Completed by: FLB

☐ Environmental Impact Report found complete  
☐ Negative Declaration circulated on  
☐ Negative Declaration adopted on

☒ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: FLB

Annexation Title: Original City

Date: 3/27/1850

### PLANNING DEPARTMENT RECOMMENDATIONS

☒ Recommend Approval  
☐ Recommend Approval with Conditions  
☐ Recommend Denial

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

## OWNER

Sara Gama-Santiago  
390 N. 3<sup>rd</sup> Street  
San Jose, CA 95112

## ARCHITECT

Sandy Tanaka  
377 Dawson Drive  
Santa Clara, CA 95051

## PUBLIC AGENCY COMMENTS RECEIVED

Completed by: FLB

Department of Public Works  
Strong Neighborhoods Initiative

Other Departments and Agencies

None

## GENERAL CORRESPONDENCE

None

## ANALYSIS AND RECOMMENDATIONS

**BACKGROUND**

The applicant is requesting a Historic Preservation permit in conjunction with a Special Use Permit to demolish an unpermitted third unit, to revert the use of the structure back to a duplex, to construct a 204 square foot addition, and to make exterior modifications to the existing residential structure on a 0.12 gross acre site. The Historic Preservation Permit is required in accordance with Chapter 13.48 of the San Jose Municipal Code, and section 20.150.050 of the San Jose Municipal Code requires that a Special Use Permit be approved for the expansion of a legal nonconforming use. The Special Use Permit will be heard at the Planning Director's public hearing (April 16<sup>th</sup>) subsequent to the Historic Landmarks Commission April 2<sup>nd</sup> public hearing for the Historic Preservation Permit.

The site is zoned LI Light Industrial and is designated Medium Density Residential (8-16 DU/AC) on the adopted San Jose 2020 Land Use and Transportation Diagram. The City recognizes a two-family residential dwelling as a legal nonconforming use at the property. The rear portion of the structure that connects the original residence to the water tower was converted to a third dwelling unit without the benefit of permits. Surrounding land uses include single-family detached residential to the north on 3<sup>rd</sup> Street, multi-family attached residential to the south on 3<sup>rd</sup> Street, multi-family attached residential to the west across 3<sup>rd</sup> Street, and commercial/industrial to the east on 4<sup>th</sup> Street.

***Historic Resource Description***

The property is located in the Hensley Historic District and the residence is listed as a Contributing Structure. The original vernacular style residence with Italianate details was constructed circa 1878, and the two-story water tank house was added prior to 1900. A Department of Parks and Recreation resources form was prepared for the site by Urban Programmers and is attached.

## **ENVIRONMENTAL REVIEW**

Under the provisions of Section 15331 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt from environmental review in that the project is limited to the rehabilitation of a historical resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

## **GENERAL PLAN CONFORMANCE**

The proposed project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC). Additionally, the rehabilitation is consistent with the General Plan Historic, Archaeological and Cultural Resources Goal of the preservation of historically significant structures and districts in order to promote a greater sense of awareness and community identity and to enhance the quality of urban living.

## **PROJECT DESCRIPTION**

The project proposes the demolition of the rear portion of the residential structure that connects the original residence to the water tower. With the demolition, the third dwelling unit will be removed, thus converting the use of the structure back to a two-family dwelling. The project is proposing a 204 square foot addition and a deck to the residential structure in the area where the third unit is being removed.

The project also proposes to repair and refurbish and/or replace various windows on the existing residential structure with wood windows to match existing as well as new wood siding to match existing. Furthermore, the project proposes to add new framing, foundation, siding, and roof fascia to the existing water tower and to remove one existing window from the water tower.

## **ANALYSIS**

The primary historical project issue is conformance with the Secretary of the Interior's Standards for Rehabilitation. The project conforms to the Standards in general and in particular to Standards No. 1, No. 6, and No. 9.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
6. Deteriorated features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, or spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Records show that the structure was used as a two-family residence as early as 1915. The project proposes to

change the use from an unpermitted three-family dwelling back to its historical use as a two-family residence. In conformance with Standard No. 1, minimal change to the materials and features of the structure is proposed.

In conformance with Standard No. 6, the proposal preserves historic features by repairing and refurbishing them where feasible. Where replacement and/or new materials are proposed, the new features match the historic features in design, texture, and materials. The project proposes removal of non-historic aluminum windows to be replaced by new compatible wood windows.

Because the significance of the existing rear addition and connection element was diminished by various modifications, the demolition of this portion of the structure will not destroy historic features of the property. Also per Standard No. 9, the new addition and rear deck and stair are to be of compatible materials and design with the historic features of the original residence. Planning staff recommends that the new deck columns be simpler in design than the original columns at the front porch in order to differentiate old from new.

### **COMMUNITY OUTREACH**

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site.

### **RECOMMENDATION**

Planning staff recommends that the Historic Landmarks Commission find that the proposal conforms to the Secretary of the Interior's Standards and recommend approval of the proposed exterior changes to the Director of Planning with standard and special conditions as follow:

1. Find that the colors and materials are in conformance with the Secretary of the Interior's Standards
2. Find that the replacement materials for the rear addition to the structure are sufficiently compatible and recommend that the new deck columns be simpler in design than the original columns at the front porch in order to differentiate old from new as per the Secretary of the Interior's Standards for Rehabilitation Standard No. 9 and
3. Recommend approval of the proposed project to the Director of Planning.

### **Attachments**